

ATTACHMENT 3

PUBLIC EXHIBITION – PLANNING ASSESSMENT OF ISSUES

Council resolved at the Council Meeting of 12 November 2018 to forward the Planning Proposal to the Department of Planning, Industry and Environment (DPIE) for a Gateway determination.

Gateway Determination for the Proposal was granted by DPIE on 15 February 2021, and required the updating of information prior to public exhibition.

Public exhibition of the Planning Proposal and draft DCP was undertaken from 21 May 2021 until 18 June 2021. In response to exhibition of the Planning Proposal 2 submissions were received through Have Your Say. An additional 4 submissions were received by Council. These submissions raised issues with the Planning Proposal.

On 18 October 2021, Council resolved to give Public Notice of a VPA, in accordance with section 7.5 of the Environmental Planning and Assessment Act 1979 and Clause 25D of the Environmental Planning and Assessment Regulation 2000.

The monetary contribution provided by the VPA, if executed, will be applied towards the Community Infrastructure works under the revised draft *Planning Agreement Policy*, providing valuable public benefits to the Chatswood community.

Public exhibition of the draft Voluntary Planning Agreement was undertaken from 25 October 2021 until 22 November 2021. In response to exhibition of the draft Voluntary Planning Agreement no submissions were received.

Total public submissions following the two exhibitions outlined above were 6 in total.

Community submissions against the proposal raised issues including:

- Against repurposing of croquet greens
- Overshadowing of croquet greens
- Excavation
- Where is Council's holistic plan
- Council motivated by contributions
- Height out of character with area
- Traffic and parking
- Overshadowing of 8-14 Ellis Street
- Support repurposing croquet greens and 8-14 Ellis Street

Agency responses were received from Transport for NSW, Sydney Water and Ausgrid.

Copies of the three agency responses are at **Attachment 5**.

Department of Education and Sydney Airport Corporation raised no objection.

NSW Health have not provided a response since being referred this matter on 21 May 2021. DPIE have recommended that Council proceed with the Planning Proposal noting that significant commentary from NSW Health is not expected.

An overview of the public submissions to both the Planning Proposal and draft Development Control Plan exhibition and the draft Voluntary Planning Agreement exhibition together with the Council response is included below:

Issue	Summary of issue	Council response
Against repurposing of croquet greens	Object to the open space land currently occupied by the Chatswood Croquet Club being redeveloped into a public park (p. 31 of the Ingham Planning Report dated September 2020).	<p>The reference suggests that the croquet club and greens, which are not part of the proposed development site, could be converted to a park or oval to service the needs of a growing population in the CBD.</p> <p>While Council periodically reviews public open space to meet the requirements of the community, there are no current plans to alter the use of the croquet club.</p> <p>In regards the croquet greens and club, the planning proposal does not represent Council's position or intention for the site.</p>
Overshadowing of croquet greens	Concern regarding overshadowing of the croquet lawns. Object to any additional overshadowing.	<p>Under the Chatswood CBD Planning and Urban Design Strategy 2036 (the CBD Strategy) the height on this site is affected by the solar access plane which seeks to protect sun access to key public spaces identified in Key Element 19.</p> <p>The two key public spaces to the south of the subject site are the tennis and croquet club and Chatswood Oval.</p> <p>Limiting maximum building height to an RL of 159.2 (maximum 59.62m) along the northern elevation in combination with stepping down the height of the tower from north to south ensures there is no additional shadows cast into the "protected" sun access area of the public open space to the southeast, currently used for croquet greens and tennis courts, during the nominated sun protected hours of 12 noon to 2pm. There is no impact on Chatswood Oval as a result of this Planning Proposal.</p>
Excavation	Significant excavation to occur. A dilapidation report should be conducted	This is a matter to be addressed at development application stage.

Where is Council's holistic plan	Where is the planning to address all the issues related to increases in height and floor space	<p>The CBD Strategy was the subject of detailed analysis in 2016, then went through a public exhibition period in early 2017.</p> <p>The CBD Strategy was endorsed by Council on 26 June 2017, and supported by the Greater Sydney Commission on 18 May 2018. The CBD Strategy was endorsed by DPIE on 9 July 2020, and further noted by Council at the Council Meeting of 14 September 2020.</p>
Council motivated by contributions	Developers motivated by profits and Council motivated by developer contributions and state government handouts.	<p>The CBD Strategy is not based on increasing the financial revenue of Council. The CBD Strategy is a well-considered and tested Strategic Planning document that aims to achieve:</p> <ul style="list-style-type: none"> • A reinvigorated commercial core area and economically buoyant CBD, to provide for future employment. • A sustainable balance between commercial, retail, residential, education, cultural and other uses to ensure on-going vibrancy. • A compact, walkable CBD. • A city form and scale to accommodate future growth and change. • A CBD of exceptional urban design, easy pedestrian linkages and good public domain, where local character and heritage are embraced, and the greening of the centre is achieved. • Simplified controls for the LEP and DCP in relation to the CBD.
Height out of character with area		<p>Under the CBD Strategy this site is zoned B4 Mixed Use with a maximum height of 60m (as the site is affected by the solar access plane) and maximum Floor Space Ratio of 6:1. The surrounding area has also be changed under the CBD Strategy to B4 Mixed Use, with increase in height (subject to the solar access plane) and FSR.</p> <p>The CBD Strategy has deliberately increased height and floor space within the Chatswood CBD boundary as expanded to increase the provision of dwellings and employment to provide for the growth of Chatswood to 2036.</p> <p>The CBD Strategy height and FSR controls for this site are to be considered with all the 35 Key Elements of the CBD Strategy, with</p>

		particular regard to setbacks and street wall heights
Traffic and parking		<p>The Planning Proposal is supported by a Traffic and Transport Report by The Transport Planning Partnership dated 16 September 2020, which concludes: "The net change in traffic generated by the site will be minor and will not have discernible impact on the operation of the surrounding road network."</p> <p>Both Council's Traffic section and TfNSW have raised no objection to traffic impacts.</p> <p>A construction management plan will be required at development application stage.</p> <p>Parking provision is proposed below WDCP requirements in accordance with reduced car parking rates within the Chatswood CBD. Loading vehicles have the potential to enter and leave the site in a forward direction.</p> <p>The support for lower car parking rates within close proximity to a rail station and bus interchange is consistent with Transport for NSW (RMS) approaches and TfNSW, Council's DCP and CBD Strategy support for the principle of travel demand management.</p> <p>It should be noted that the CBD Strategy has been guided by traffic analysis from ARUP, which was reviewed by Transport for NSW prior to DPIE endorsement. In this regard ARUP then prepared a Future Conditions Report, Chatswood CBD Strategic Study, September 2020 which concluded that the growth proposed under the CBD Strategy could be accommodated.</p>
Overshadowing of 8-14 Ellis Street	Combined with other shadows. What about adequate solar access plane to existing rate payers. What about appropriate sharing of light.	<p>In regards solar access and overshadowing, Council's Development Control Plan Section E.1.10 states: <i>"The north facing windows of living areas and the principal portion of the recreational open space of adjoining residential buildings should have at least 3 hours of sunlight between 9am and 3pm on June 22."</i></p> <p>The Planning Proposal is consistent with this DCP control.</p> <p>8-14 Ellis Street, being to the south of the subject site, is affected as follows:</p> <ul style="list-style-type: none"> • 12pm – western garden affected.

		<ul style="list-style-type: none"> • 12.30pm – western edge of building impacted. • 1pm – western one-third of building affected. • 2pm – western half of building affected. • 2-3pm - part western and eastern half of building affected. <p>8-14 Ellis Street is unaffected between 9am and 12pm.</p> <p>It is considered that the overshadowing impacts arising from this Planning Proposal are reasonable for a site located within the Chatswood CBD under the CBD Strategy. The residential tower is considered to be consistent with the slender tower objective, with residential floor plates approximately 472m² for Levels 5 – 13, then reducing to 395m² for Level 14, 350m² for Level 15 and 257m² for Level 16 - being well below the 700m² maximum control as stated in the CBD Strategy. This issue will be further refined through the design excellence process at development application stage.</p>
Support repurposing croquet greens and 8-14 Ellis Street		<p>There is no repurposing of the croquet greens proposed by Council.</p> <p>8-14 Ellis Street is subject to the CBD Strategy and able to be developed accordingly.</p> <p>Council has no plans to purchase 8-14 Ellis Street.</p> <p>Council recognizes the importance of providing recreation areas together with increases in density. The Chatswood CBD is well served by a variety of different recreation areas however Council will look to opportunities to embellish public recreational areas through contributions and the provision of on-site publicly accessible areas.</p>

